

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARCUS THURMAN,

Plaintiff,

v.

**COUNTY COMMISSIONERS OF
OKLAHOMA COUNTY et al.,**

Defendants.

Case No. CIV-17-950-G

ORDER

Now before the Court is an “Appeal from Western District of Oklahoma: Pauperis Affidavit” (Doc. No. 117) filed December 9, 2022, by Plaintiff Marcus Thurman, as well as a Supplement thereto (Doc. No. 118).

Having considered the relevant record, the Court liberally construes this document as presenting a notice of appeal to the Tenth Circuit Court of Appeals, filed pursuant to Federal Rule of Appellate Procedure 3(a). The Court Clerk is directed to take any appropriate action on this notice of appeal.

Plaintiff’s filing also presents a request for leave to proceed *in forma pauperis* on this appeal. “[A] prisoner seeking to proceed [*in forma pauperis*] on appeal from a judgment in a civil action . . . must file a new motion in the district court together with a supporting affidavit and a certified copy of the prisoner’s trust fund account statement for the six-month period immediately prior to the filing of the notice of appeal.” *Boling-Bey v. U.S. Parole Comm’n*, 559 F.3d 1149, 1153 (10th Cir. 2009) (citing 28 U.S.C. § 1915(a));

see also Lay v. Okla. Dep't of Corr., 746 F. App'x 777, 780 (10th Cir. 2018) (noting the requirement to show “a financial inability to prepay the \$505 appellate filing fee”).¹

Plaintiff, a state prisoner, has not submitted a trust-account statement and has not otherwise shown an inability to prepay his appellate filing fee, and his request to proceed *in forma pauperis* is therefore DENIED.

The Clerk of Court is directed to notify the Tenth Circuit Court of Appeals of this Order, *see* Fed. R. App. P. 24(a)(4)(A).

IT IS SO ORDERED this 14th day of December, 2022.



CHARLES B. GOODWIN
United States District Judge

¹ A prisoner must further show that he or she has advanced a “reasoned, nonfrivolous argument on the law and facts in support of his appeal.” *Lay*, 746 F. App'x at 780 (internal quotation marks omitted).